IN THE CIRCUIT COURT OF
LAWRENCE COUNTY, OHIO

CARL G. SIMPSON AND BONNIE REED SIMPSON, CO-ADMINISTRATORS OF THE ESTATE OF CARL D. SIMPSON,

Plaintiffs,

vs. Case No. C-1-00-0014

INTERMET CORPORATION, ET AL.,

Defendants.

DEPOSITION OF ROGER RAMEY, SR.

The deposition of Roger Ramey, Sr., was taken on November 2, 2001, at the approximate hour of 9:20 a.m., at 215 South Fourth Street, Ironton, Ohio.

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Q. Can you tell us about other injuries you recall as an operator of the Sutter machine?

A. Well, I wasn't actually an operator at the time. I was working on the clean-up crew. That's the crew that they had designed to clean these Sutter machines, clean the sand out, clean the drag and cope, and all that stuff.

There was an operator by the name of Tom Slaughter. They had broke a transfer pin in the machine. What that done was, when that transferred the pattern in -- that's when it takes the pattern and moves it from the operator to the blow position and squeezes up to blow. It broke that pin. When it done that, it rolled the pattern past the limit switch which rolled it to the out position to where it was to be cleaned.

The operator proceeded to get a new pin and shove the pattern in. When he shoved the pattern in, it made the limit switch, and it come up and squeezed. And if it hadn't been for Tim Wilson, he would have lost his whole hand in the process. They had to do reconstructive surgery to his ring finger. I can't recall which hand. They done emergency surgery on that.

Q. Do you remember what year that would have been?

A. My best recollection is -- I'm going to say '94, '95. It might have been '93. I just can't put the year

with it. I just know it happened.

Q. You believe it would have been '93, '94, '95?

A. Yes, sir. It would be in them years, yes.

Q. And he got his hand in the --

A. He got his hand caught between -- you got blow tubes that hangs down from your blow plate on your sand chamber. Then you've got your holes in your cope. When it squeezed up, it hadn't made it all the way. You got right around 1600, 1800 pounds of hydraulic pressure there. But his finger got caught between the cope hole and the blow tube. And the blow tube just peeled his fingernail and all off.

Q. Roger, you have got in front of you -- I noticed you were looking at it, so we should go ahead and identify it. The other attorneys are aware of this. We've used it before. We've got a diagram which is marked as Page 15000015 in the documents that were supplied to us by Intermet.

It's a rough drawing of the Sutter machine. If you would, look at that and tell me whether or not that is a -- it's J-15. It's in Section J of our marked exhibits. Would that be a fair representation or description of the Sutter machine as far as the parts and what they are called?

A. That is a fair example of it, standing from the operator and the helper standpoint. Now, you ain't seeing the sand chamber. You're not seeing -- the only thing you're seeing from the top is your toplock bar. You're not seeing none of your other parts.

Q. Okay. Basically, these would show the main operating parts that form pinch points, which is the gashead, the cope, and the drag, right? As I said, it doesn't show every detail like you described. It basically shows the main operating parts that would form pinch points such as the gashead, the cope, the drag and, also, it has the top locks.

A. It's showing all the pinch points with the exception of where it squeezes on the sand chamber. And it is not showing the unloader.

Q. Okay.

A. There's an unloader that sets right in front of where you're showing your drag and your strip table and your cope. There's an unloader that will set between the operator and the helper that moves, in, up, out, and down. That's the order it runs when all of it is made. There has been injuries on the unloader, catching people as they go in to pull the mold out.

Q. Mr. Slaughter's injury, at that time, were you

working as an operator even though you were on the clean-up crew at the time?

A. Yes. I was pretty much -- I was still on the Sutter machine equipment.

Q. Do you know, at that point, if any action was taken over concern about Mr. Slaughter getting into the pinch point of the machine -- if any action was taken to help avoid employees being in the pinch point during operation?

A. Well, we had an area manager at the time whose name was Dave Johnson. The day it happened, they took Tom out of there and took him to the hospital and everything. Well, Dave Johnson was -- I don't know if he was on -- if he quit, resigned, or they was getting rid of him. Anyway, he held a meeting and went over this with us, told us that --

Q. What did he go over when you say "this"? What did he go over with you?

A. Well, we didn't see no meetings. We didn't see nothing. He just went over -- telling us that he was hoping that he would get out of there before they had a major injury, that if the power had been turned off on the machine, there was no -- that that probably -- now, I'm going to say "probably" would not have happened.

He stressed that we needed to do a lockout procedure, but we did not see no films, nothing like that at the time. He told us -- he went over an incident with us, before, where he'd seen another man caught in a machine. He hoped that, you know, nobody else would have -- I don't know exactly what words he used. He hoped everybody worked safely. Then we returned to work.

Q. At that point, was there any discussion by anyone or questions by anyone about why there was not something being put on the machines that would keep the machines from operating when someone was in the machine?

A. Not that I recall.

Q. Was there concerns expressed by other employees at that time regarding the danger of the pinch points?

A. Not that I recall.

Q. All right. You've told us about Mr. McDowell and Mr. Slaughter. What other injuries do you recall occurring on the Sutter machine before the time you became supervisor? Let's put it that way.

A. Well, I mean, it's hard to put these in order. I'm trying to put them in order. Now, the first incident I ever seen was Terry McDowell. I know Rick Burke pulled his back out. I mean, you know, I don't know if you want to call that a Sutter-related injury or not. But he pulled

his back out pulling a pattern out of the machine to be cleaned.

Q. A pattern that was stuck in the machine?

A. No. You're strictly on clean-up crew. Now, that's when you take the pattern from its operating position and pull it to the out position, which is in front of the machine with the cope. You'd take the cope off of it. That's where you put your metal cleaner. And you clean the mold, cope and stuff. There wasn't always a tow motor handy to pull these out. They rolled fairly easy on the transfer cars on the raise. But, at this particular point, the raise was getting wore pretty bad. He had a hard time pulling this one out that night, and he pulled his back out. The man never returned to Ironton Iron. He never returned to work.

Q. What about other injuries?

A. There's been close calls. We had a boy by the name of Jim Noble that reached back in a machine while it was off to get an -- I don't know if it was a piece of mold or what it was in there. But he reached in there to get it. When he reached in there to get it, the operator hit the start cycle. I've worked with this operator time and time again. What made him turn back around and look, I have no idea. It had to be the good Lord because, when he

turned around, the cope had already -- had come down on Mr. Nobel. Pure instinct, he shut the machine down and stripped it back up.

He wasn't hurt, but -- I don't know why that operator turned back around and looked because he never did it the whole time I worked with him. That was the most dangerous part of the Sutter machines. You had to know what each person was doing or the other one would get hurt.

Q. Is that Ainsworth and Noble? Was that person's name --

A. Yes. The operator was Adam Ainsworth.

Q. You say that was the most dangerous part, that you had to work together?

A. If the helper and the operator were not communicating well at that time, the operation of the machine became dangerous during the time the machine was down or they were trying to clean the machine in anyway. I would say -- I mean, because you had to watch -- I mean, as an operator -- when I was an operator, you know, there was a lot of things that went through your mind before you would start that machine. You wanted to make sure your -- because you had no -- I'm talking about in this time.

You had no light curtains, nothing that if there was a man in front of that machine, it would not start.

You could start that machine anytime. The machine used to have an air cope and drag separation. If it would have had that when Jim Noble was in the machine, Jim Noble would be dead right now.

Q. Would he have suffered a injury?

A. Yes, sir. He would have been caught between the cope and the drag. The cope of that machine, I'm going to say, weighs three ton or better. There's no way he would have lived because it comes -- they come down quicker. It would not stop in the middle of the cycle.

Q. Do you recall what year that was, the incident with Ainsworth and Noble?

A. No, sir, I don't. I mean, you know, I ain't very good on dates and years, now.

Q. That was prior to Carl Simpson's injury?

A. Yes, sir.

Q. Was the Ainsworth/Noble incident well known throughout the I-beam area when that happened?

A. Well, pretty much because, as far as I recall, when Noble come out of the machine, Ainsworth slapped him up the side of the head.

Q. Okay.

A. He walked in the office -- and if I recall -- I don't remember what supervisor it was, but he told him he

A. Right.
Q. Okay. Did you know how to lock out the Sutter machine?
A. Yeah.
Q. Did the people under you know how to lock out the Sutter machine?
A. Most of them. I ain't going to say every one of them did because, I mean, you know, there again, I'm putting perspective into somebody else's mind. I mean, if they asked, you could tell them. But I'm going to say the people on the machine at the time of Carl Simpson's death, with the exception of -- I mean, to be truthful with you, if you told me -- if you could give me a list of the people that was operating the machines that day, I could tell you whether they knew to lock it out or not. But I fingered through your book here, and I seen where you had a Paul -- I forget his last name. I'd say he didn't know.
Q. Did Carl Simpson know how to lock out the machine?
A. Yes.
Q. Did Intermet require employees to get into a machine when it was not locked out? Did they ever say, you could get in that machine if you don't lock it out?
A. No. There again, nobody -- there was no

supervisor, no Intermet -- nobody told you to get in that machine without a lock. But, then again, they did not stand there and enforce it either. They didn't tell you that if you did get in that machine and not have a lock on it, you would be disciplined. They didn't do it. It was the quickest way of getting it going.
Q. But there was, I believe, a sheet -- I think a laminated sheet that hung on the machine that gave you the lockout instructions?
A. Well, I ain't 100 percent sure it was hanging on the machine. It was in a book when QS9000 come in that you could go in the office -- and I know for a fact it was in there. They did put some on a machine. Whether they was there at the time of that accident, I couldn't tell you. Half of them was missing.
Q. But you don't know that the one from the B-2 Sutter machine was missing?
A. I don't know that it was, no.
Q. You were given these monthly safety meetings. Two or three times a year. Locking out machines was discussed, that you were supposed to lock out machines?
A. Yeah. That's pretty -- I mean, you know, pretty accurate.
Q. So employees were told to lock out and they were

never told not to lock out?
A. That's a pretty accurate statement, yeah.
Q. You talked about a couple of injuries on the Sutter machine. Terry McDowell, were you a witness to that?
A. Yeah.
Q. Were you the helper on that day?
A. Well, that day, he was kind of like what you want to say -- I was on the operator's side. He was on the helper's side. I call him the operator and me the helper because all I knew how to do at the time was start and stop. He was, you know, showing me a little bit of what I could do. We'd just changed sides. But I'm going to say I was -- you know, I still say I was a helper because he knew how to operate the machine, I didn't.
Q. The Terry McDowell incident, did that have anything to do with the machine being locked out?
A. No.
Q. Did it have anything to do with going around to the back to press the valve to restart the machine?
A. No. The only thing it's got to do is, you had to pass that hot glue to get out of that machine. If something would have happened, at the time, in that machine, he couldn't get out.

Q. He didn't get hurt by any pinch point in the machine?
A. No, he didn't get hurt by no -- he just got hurt by a malfunction.
Q. With the glue part which was behind where he would normally --
A. It was above him.
Q. Like, if he's standing facing the Sutter machine, the glue would be behind him?
A. Right, above his head.
Q. Tom Slaughter incident, you said there was a broken transfer pin in the machine when the pattern was transferred. I apologize, but I've been trying to catch up on the lingo of the machine, but I don't think I'm there yet. Where is the pattern located? If you could, look at a picture and show me.
A. If you look at Exhibit R-15, you see that box setting there that says, "E250, right hand, 3 and 4." That is a pattern.
Q. That's the pattern?
A. That's just a box. We call it a pattern core box, however you want to term it. In the position that box is in right now, under normal operation, if you look over to the B-1 Sutter, you can see the pin stripped up and

going to get back in that machine, and he just sat there. Half the time, it was not locked out.

Q. Getting past the whole lockout problem, you still didn't get into the machine unless you told your helper you were -- or your operator, whoever your other person was, you were getting in that machine?

A. Right.

Q. Would you have any reason to believe that one would just climb into a machine like that? If you thought someone was going to climb into a machine without notifying -- if you were the helper, without notifying you he's getting back in that machine, would you want to work with that person? I think you testified that you'd gotten someone taken off.

A. No, I wouldn't want to work with him. I mean, you know, that's separate occasions. I mean, you just had that out of anybody that worked on the machines. They just didn't do that. I mean, I don't know what provoked him to climb in that machine. That was the first time he'd done it. He'd been on the machines before. He just seen a piece back in there and he thought he was going to get it out real quick.

Q. That's completely out of the ordinary, for someone to do that?

A. Yes.

Q. I think you testified that if the machine had been on the air -- still on the air system as opposed to hydraulics, which they switched it to, Noble would have been killed?

A. Yeah.

Q. That's because on the hydraulic system, you could stop it once you started it?

A. Right. On the computer screen, which you -- I don't guess you show any pictures of the computer screen here.

Q. But it's out in front of --

A. No. It stands beside the operator. Well, if you look at Exhibit 1, if you look at that Allen & Bradley right there in the corner, that's a computer screen. That controls everything that machine does other than the main computer in the office. You had a screen here you went to. You had your automatic, manual, your setup times. All that was in that screen. Well, you had a start and an emergency stop button there you could push.

When they went to the hydraulics, if you pushed the emergency stop or stop, it stopped the pump on the hydraulics right then. When it was air and you pushed the stop, it had to complete the cycle before it would stop.

Q. So explain to me just a little bit on what you know, because I know you weren't there and don't have firsthand knowledge, or what you've heard about this Noble/Ainsworth incident. Ainsworth went behind the machine to press that valve --

A. No.

Q. No. What did he do? He was at the computer screen?

A. Well, you ain't showing it. The A-2 Sutter machine is set up completely different than B-2 here.

Q. This is on the A-2. Explain it to me.

A. This computer screen on A-2 Sutter is setting all the way to the left of that picture (indicating). I'm still on Exhibit 1.

Q. Of R?

A. Right. So if you move your computer screen to this position, to the left-hand side of it, right where you see that -- just the corner of the unloader, it would be setting in that position. If it was setting there, you couldn't take your picture of the way they've got it there. The helper was standing on -- I mean, you know, just move the computer to that angle, and you're looking at the A-2 Sutter machine.

Q. Okay.

A. He turned around and was looking at his computer with his back toward that machine.

Q. Okay.

A. He hit the start button. Well, in the meantime, Noble had climbed in right here.

Q. So had the machine been locked out at all in that Noble incident, or was this just in its normal operation cycle?

A. Well, no. From what I understand, yeah, they had cleaned the sticker out of it. They had shut the machine down. They was getting ready to start it back up. Adam, he always done his paperwork last. You know, he was standing there doing his paperwork and hit the start cycle to start it. Something told him that -- I mean, you know...

Q. So on the A-2 machine, you could actually start the machine back into operation from the computer?

A. You can start them all back into operation from the computer.

Q. Well, why did Jamie Brammer have to go around --

A. Because his was in -- they had already went through all this sequence that Jamie Brammer had to do. They had already went through that, put that into that -- you had to -- you had to make all them limits to get that